

ORDINANCE NO. 05-285

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTERS 14.02, 14.06, 14.08, 14.10, 14.12 AND 14.70
OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO DEFINITIONS AND
THE SINGLE FAMILY RESIDENTIAL AND THE COMMUNITY FACILITIES
ZONING REGULATIONS

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Section 14.02.070 of Chapter 14.02 of Title 14 of the Los Altos Municipal Code entitled "General Provisions and Definitions" is hereby amended by adding the following definition:

"Abut" means two adjoining parcels of property with a common property line. Where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.

SECTION 2. AMENDMENT OF CODE: Chapter 14.06 of Title 14 of the Los Altos Municipal Code entitled "R1-10 Single-Family District" is hereby amended by replacing Sections 14.06.020 and 14.06.030, Subsection 14.06.080(E) and Section 14.06.120 with the following:

14.06.020 Permitted uses (R1-10).

The following uses shall be permitted in the R1-10 District:

- A. Single family residences, including ancillary accessory structures;
- B. Second living units as provided in Chapter 14.14 of this title;
- C. Home occupations;
- D. Agriculture and horticulture;
- E. Animals as provided in Chapter 5.10; and
- F. Small family day care.

14.06.030 Conditional uses (R1-10).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-10 District:

- A. Flag lots;
- B. Large family day care; and
- C. Pre-existing community facilities as provided in Chapter 14.70. New community facilities are prohibited.

14.06.080 Setbacks (R1-10).

E. On a lot less than eighty (80) feet in width, or in the case of a corner lot less than ninety (90) feet in width, (hereinafter referred to as "narrow" lots) the minimum width of side yards shall be as follows:

- 1. On a narrow corner lot, the minimum width of the side yard adjoining the street shall be twenty (20) percent of the average lot width but in no case less than ten (10) feet, whichever is greater. The minimum interior side yard setback for corner lots greater than eighty (80) feet in width shall be as provided in subsection A of this section. The minimum interior side yard setback for corner lots less than eighty (80) feet in width shall be as provided in subsection E(2) of this section.

2. The minimum width of all other side yards on narrow lots shall be ten (10) percent of the average lot width but in no case less than five feet, whichever is greater, for any portion of a structure which is one story in height, with seven and one-half feet added for any portion of a structure which is two stories in height, except the additional second story setback may be reduced to five feet if a thirty-five (35) foot front yard setback is provided.

14.06.120 Accessory structures and swimming pools (R1-10).

A. Accessory structures that are no more than six feet in height may be located in interior and exterior side and rear yard setbacks in accordance with the following provisions:

1. The maximum width of the accessory structure shall be five feet.
2. The maximum length of the accessory structure shall be sixteen (16) feet.
3. The accessory structure shall be screened from off-site view with solid fencing which is no lower in height than the accessory structure and which is constructed in conformance with the provisions of Chapter 14.72 of this chapter
4. In no case shall there be less than a five foot clearance between either the accessory structure and the main structure or the accessory structure and the property line.

B. Accessory structures that are taller than six feet in height may be located in the required rear yard, subject to a minimum setback of two and one-half feet from the side and rear property lines. No portion of any accessory structure taller than six feet in height and located in the required rear yard setback shall project above a daylight plane beginning at a height of six feet at the property line and increasing at a slope of four feet for each ten (10) feet of distance from the property line to a distance ten (10) feet from the property.

C. No accessory structure shall exceed twelve (12) feet in height; provided, however, the Architectural and Site Review Committee may approve an accessory structure located entirely within the main structure building envelope to extend up to eighteen (18) feet in height if the committee finds and determines that the additional height is necessary in order to establish architectural compatibility with the main structure.

D. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be setback a minimum of five feet from any property line. Said structures shall not be located in the required front or side yard setback area.

SECTION 3. AMENDMENT OF CODE: Chapter 14.08 of Title 14 of the Los Altos Municipal Code entitled “R1-H Single-Family District” is hereby amended by replacing Sections 14.08.020, 14.08.030 and 14.08.120 with the following:

14.08.020 Permitted uses (R1-H).

The following uses shall be permitted in the R1-H District:

- A. Single family residences, including ancillary accessory structures;
- B. Second living units as provided in Chapter 14.14 of this title;
- C. Home occupations;
- D. Agriculture and horticulture;
- E. Animals as provided in Chapter 5.10; and
- F. Small family day care.

14.08.030 Conditional uses (R1-H).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-H District:

- A. Flag lots;
- B. Large family day care; and

C. Pre-existing community facilities as provided in Chapter 14.70. New community facilities are prohibited.

14.08.120 Accessory structures and swimming pools (R1-H).

A. Accessory structures that are no more than six feet in height may be located in interior and exterior side and rear yard setbacks in accordance with the following provisions:

1. The maximum width of the accessory structure shall be five feet.
2. The maximum length of the accessory structure shall be sixteen (16) feet.
3. The accessory structure shall be screened from off-site view with solid fencing which is no lower in height than the accessory structure and which is constructed in conformance with the provisions of Chapter 14.72 of this chapter
4. In no case shall there be less than a five foot clearance between either the accessory structure and the main structure or the accessory structure and the property line.

B. Accessory structures that are taller than six feet in height may be located in the required rear yard, subject to a minimum setback of two and one-half feet from the side and rear property lines. No portion of any accessory structure taller than six feet in height and located in the required rear yard setback shall project above a daylight plane beginning at a height of six feet at the property line and increasing at a slope of four feet for each ten (10) feet of distance from the property line to a distance ten (10) feet from the property.

C. No accessory structure shall exceed twelve (12) feet in height; provided, however, the Architectural and Site Review Committee may approve an accessory structure located entirely within the main structure building envelope to extend up to eighteen (18) feet in height if the committee finds and determines that the additional height is necessary in order to establish architectural compatibility with the main structure.

D. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be setback a minimum of five feet from any property line. Said structures shall not be located in the required front or side yard setback area.

SECTION 4. AMENDMENT OF CODE: Chapter 14.10 of Title 14 of the Los Altos Municipal Code entitled "R1-20 Single-Family District" is hereby amended by replacing Sections 14.10.020, 14.10.030 and 14.10.120 with the following:

14.10.020 Permitted uses (R1-20).

The following uses shall be permitted in the R1-20 District:

- A. Single family residences, including ancillary accessory structures;
- B. Second living units as provided in Chapter 14.14 of this title;
- C. Home occupations;
- D. Agriculture and horticulture;
- E. Animals as provided in Chapter 5.10; and
- F. Small family day care.

14.10.030 Conditional uses (R1-20).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-20 District:

- A. Flag lots;
- B. Large family day care; and
- C. Pre-existing community facilities as provided in Chapter 14.70. New community facilities are prohibited.

14.10.120 Accessory structures and swimming pools (R1-20).

- A. Accessory structures that are no more than six feet in height may be located in interior and exterior side and rear yard setbacks in accordance with the following provisions:
1. The maximum width of the accessory structure shall be five feet.
 2. The maximum length of the accessory structure shall be sixteen (16) feet.
 3. The accessory structure shall be screened from off-site view with solid fencing which is no lower in height than the accessory structure and which is constructed in conformance with the provisions of Chapter 14.72 of this chapter
 4. In no case shall there be less than a five foot clearance between either the accessory structure and the main structure or the accessory structure and the property line.
- B. Accessory structures that are taller than six feet in height may be located in the required rear yard, subject to a minimum setback of two and one-half feet from the side and rear property lines. No portion of any accessory structure taller than six feet in height and located in the required rear yard setback shall project above a daylight plane beginning at a height of six feet at the property line and increasing at a slope of four feet for each ten (10) feet of distance from the property line to a distance ten (10) feet from the property.
- C. No accessory structure shall exceed twelve (12) feet in height; provided, however, the Architectural and Site Review Committee may approve an accessory structure located entirely within the main structure building envelope to extend up to eighteen (18) feet in height if the committee finds and determines that the additional height is necessary in order to establish architectural compatibility with the main structure.
- D. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be setback a minimum of five feet from any property line. Said structures shall not be located in the required front or side yard setback area.

SECTION 5. AMENDMENT OF CODE: Chapter 14.12 of Title 14 of the Los Altos Municipal Code entitled "R1-40 Single-Family District" is hereby amended by replacing Sections 14.12.020, 14.12.030 and 14.12.120 with the following:

14.12.020 Permitted uses (R1-40).

The following uses shall be permitted in the R1-40 District:

- A. Single family residences, including ancillary accessory structures;
- B. Second living units as provided in Chapter 14.14 of this title;
- C. Home occupations;
- D. Agriculture and horticulture;
- E. Animals as provided in Chapter 5.10; and
- F. Small family day care.

14.12.030 Conditional uses (R1-40).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-40 District:

- A. Flag lots;
- B. Large family day care; and
- C. Pre-existing community facilities as provided in Chapter 14.70. New community facilities are prohibited.

14.12.120 Accessory structures and swimming pools (R1-40).

- A. Accessory structures that are no more than six feet in height may be located in interior and exterior side and rear yard setbacks in accordance with the following provisions:

1. The maximum width of the accessory structure shall be five feet.
 2. The maximum length of the accessory structure shall be sixteen (16) feet.
 3. The accessory structure shall be screened from off-site view with solid fencing which is no lower in height than the accessory structure and which is constructed in conformance with the provisions of Chapter 14.72 of this chapter
 4. In no case shall there be less than a five foot clearance between either the accessory structure and the main structure or the accessory structure and the property line.
- B. Accessory structures that are taller than six feet in height may be located in the required rear yard, subject to a minimum setback of two and one-half feet from the side and rear property lines. No portion of any accessory structure taller than six feet in height and located in the required rear yard setback shall project above a daylight plane beginning at a height of six feet at the property line and increasing at a slope of four feet for each ten (10) feet of distance from the property line to a distance ten (10) feet from the property.
- C. No accessory structure shall exceed twelve (12) feet in height; provided, however, the Architectural and Site Review Committee may approve an accessory structure located entirely within the main structure building envelope to extend up to eighteen (18) feet in height if the committee finds and determines that the additional height is necessary in order to establish architectural compatibility with the main structure.
- D. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be setback a minimum of five feet from any property line. Said structures shall not be located in the required front or side yard setback area.

SECTION 6. AMENDMENT OF CODE: Chapter 14.70 of Title 14 of the Los Altos Municipal Code entitled "Community Facilities" is hereby amended by replacing Sections 14.70.010, 14.70.020 and 14.70.100 with the following:

14.70.010 Conditional uses.

The following pre-existing uses shall be permitted to expand and/or renovate pursuant to the requirements of Section 14.70.020 of this chapter and upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title:

- A. Schools other than public, including nursery schools and day care centers;
- B. Public and private nonprofit recreation areas, country clubs, golf courses, and private noncommercial clubs;
- C. Churches, monasteries, convents, and other religious institutions;
- D. Institutions of an educational or philanthropic nature, including museums and noncommercial art galleries;
- E. Public utility and public service structures and installations;
- F. Hospitals, convalescent hospitals, residential care homes, and nursing homes; and
- G. Plant nurseries.

14.70.020 Site area.

Existing community facilities shall be permitted to remain, expand and/or renovate within the site area and physical parcel boundaries that currently exist. Existing community facilities are prohibited from physically expanding by merging or otherwise adding adjacent land area. This regulation does not prohibit an existing community facility from expanding onto undeveloped or underdeveloped site area already part of the facility.

14.70.100 Design control.

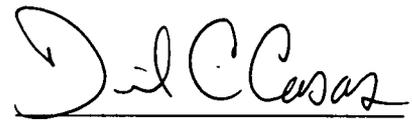
(As provided in Chapter 14.78 of this title.)

SECTION 7. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 8. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 9. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date. The ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on September 13, 2005 and was thereafter, at a regular meeting held on September 27, 2005 passed and adopted by the following vote:

Ayes: COLE, MOSS, LEAR, PACKARD
Noes: NONE
Absent: CASAS


David Casas, MAYOR

Attest:


Susan Kitchens, CITY CLERK